

REMARKS

Claims 1-107 are pending in the application. Claims 80-107 have been withdrawn from the Examiner's consideration as directed to a non-elected invention and, by this amendment, canceled. Claims 1-79 stand rejected. Claims 1, 41-47, 59-61, 78, and 79 have been amended. Claim 19 has been canceled. Reconsideration of Claims 1-18 and 20-79 in view of the above amendments and following remarks is respectfully requested.

Election/Restriction

Applicants affirm the election of the invention of Group I, Claims 1-79.

The Rejection of Claims 1-16, 19-25, 32-53, 62-69, and 71 Under 35 U.S.C. § 103(a)

Claims 1-16, 19-25, 32-53, 62-69, and 71 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,294,478, issued to Wanek et al., in view of U.S. Patent No. 4,723,954, issued to Pieniak. Withdrawal of the rejection is respectfully requested for the following reasons.

The Wanek reference describes a multi-layer composite that includes first and second surge management layers with an intermediate absorbent layer. The first surge management layer includes synthetic polymeric fibers. The second surge management layer includes hydrophilic fibers. The absorbent layer includes a high-absorbency material and means for containing the material. See column 2, lines 38-57.

The claimed invention relates to a composite having three strata with transition zones intermediate each stratum. The transition zone includes fibers from adjacent strata commingled substantially uniformly across the composite's width and along the composite's length. The Wanek reference fails to teach or suggest a multi-layer composite that includes a transition zone. The reference fails to teach or suggest a composite having a transition zone between the first surge management layer and the absorbent layer. The reference fails to teach or suggest a

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

composite having a transition zone between the second surge management layer and the absorbent layer. The reference in no way teaches or suggests a composite having two transition zones; a first transition zone between the first surge management layer and absorbent layer, and a second transition zone between the absorbent layer and the second management layer.

Furthermore, the reference teaches away from a composite having a transition zone between adjacent layers. At column 6, lines 40-45, the reference states:

It is not necessary that the first and second surge management layers be in direct contact with the absorbent layer. That is, additional intervening layers can appear between the surge management layers and the absorbent layer.

Clearly, if the first and second surge management layers are not in direct contact with the intermediate absorbent layer, there can be no transition zone, between the surge management layers and the absorbent layer.

The absence of a transition zone in the composite described in the reference is further evidenced by the method by which the composite is made. At column 15, lines 57-61, the reference states:

In forming the composites of the present invention, a first surge management material selected from the samples described above is plied with an absorbent layer and the second surge management layer described above.

Plying the first management layer with an absorbent layer and a second management layer does not result in a composite having a first transition zone between the first surge management layer and absorbent layer and a second transition zone between the absorbent layer and the second management layer.

Because the Wanek reference states that the multi-layer composite need not have first and second surge management layers in direct contact with the intermediate absorbent layer and because the multi-layer composite is made by a plying process, the reference fails to teach,

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

suggest, or provide any motivation to make a composite that includes three strata with intermediate transition zones.

The Pieniak reference also fails to describe a composite having a transition zone. The reference describes the combination of an absorbent batt and a facing sheet. The facing sheet is a water-repellent fabric having openings of sufficient size to permit fibers from the batt to extend into the facing sheet. See column 2, 6-12. The mere extension of fibers from a batt into the openings of a water-repellent fabric does not a transition zone make.

The combined teachings of the cited references, fail to teach or suggest a composite having three strata with transition zones between strata. The cited references simply fail to teach or suggest a composite having a transition zone between adjacent strata. Moreover, the cited references provide no motivation to make a composite having a transition zone between adjacent strata. Because the cited references fail to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed, the claimed invention is nonobvious and patentable over the cited references.. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 17 and 18 Under 35 U.S.C. § 103(a)

Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,294,478, issued to Wanek et al., in view of U.S. Patent No. 4,723,954, issued to Pieniak, and U.S. Patent No. 5,677,635, issued to Win et al. Withdrawal of the rejection is requested for the following reasons.

The deficiencies of the teachings of the Wanek and Pieniak references noted above are not cured by the teaching of the Win reference. Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESSTM
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

the invention as now claimed, the invention is nonobvious and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 27-31, 55-61, 70, and 72-79 Under 35 U.S.C. § 103(a)

Claims 27-31, 55-61, 70, and 72-79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,294,478, issued to Wanek et al., in view of U.S. Patent No. 4,723,954, issued to Pieniak, and U.S. Patent No. 5,225,047, issued to Graef et al. Withdrawal of the rejection is respectfully requested for the following reasons.

The deficiencies of the teachings of the Wanek and Pieniak references noted above are not cured by the teachings of the Graef reference. Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed, the claimed invention is nonobvious and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 74-79 Under 35 U.S.C. § 103(a)

Claims 74-77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,294,478, issued to Wanek et al., in view of U.S. Patent No. 4,723,954, issued to Pieniak, U.S. Patent No. 5,225,047, issued to Graef et al., and U.S. Patent No. 5,537,653, issued to Gilman et al. Withdrawal of the rejection is requested for the following reasons.

The deficiencies of the teachings of the Wanek, Pieniak, and Graef references noted above are not cured by the teachings of the Gilman reference. Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed, the claimed invention is nonobvious and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Conclusion

In view of the above amendments and foregoing remarks, applicants believe that Claims 1-18 and 20-79 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



George E. Renzoni, Ph.D.
Registration No. 37,919
Direct Dial No. 206.695.1755

GER:md

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100